

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

UNITED STATES OF AMERICA,	:	Case No. 1:24-cr-18
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
VERNON POWELL,	:	
	:	
Defendant.	:	

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION TO RETAIN COPIES (Doc. 29)**

This matter is before the Court on Defendant's Motion to Permit Defendant to Retain Copies of Government Responses to Filings (Doc. 29), which is ripe for the Court's review. Defendant requests that he be allowed to personally retain the Government's Response to his Motion to Suppress (the "Response") (Doc. 28) and its attached documents, Exhibits 1 and 2. (*Id.* at Pg. ID 225.) According to Defendant, the Government believes that Defendant may only review and have access to such documents in the presence of counsel based on the Amended Protective Order. (*Id.*)

The Amended Protective Order states that "[t]he Government shall identify discovery materials that reference a confidential informant or that may otherwise reveal the identity of a protected witness, which will be marked 'CONFIDENTIAL.' The CONFIDENTIAL materials will then be provided to Defense Counsel, subject to the limitations contained in the Protective Order. Namely, Defendant may only review

CONFIDENTIAL materials in the presence of his attorney, and Defendant is prohibited from maintaining in his possession any CONFIDENTIAL materials.” (See Order Amending Protective Order, Doc. 25, Pg. ID 128.)

The Government has not identified the Response, Exhibit 1, or Exhibit 2 as “CONFIDENTIAL.” (See Doc. 28). However, the Response and Exhibit 2—which consists of residential search warrants—contain multiple references to a confidential informant involved in this case. (Response, Doc. 28, Pg. ID 164, 174, 184-85; Exhibit 2, Doc. 28-2, Pg. ID 208, 219.) Thus, under the Amended Protective Order, the Response and Exhibit 2 may not be personally retained by Defendant, and he must instead review them in the presence of his attorney. However, Exhibit 1—a package search warrant—makes no reference to a confidential informant. (See Exhibit 1, Doc. 28-1.) Thus, Defendant may personally retain this document.

Accordingly, the Court **ORDERS** the following:

1. Defendant’s Motion to Permit Defendant to Retain Copies of Government Responses to Filings (Doc. 29) is **GRANTED IN PART AND DENIED IN PART**;
2. Defendant may not personally retain the Response or the attached Exhibit
2. Instead, he may only review such documents in the presence of his attorney; and
3. Defendant may personally retain Exhibit 1 to the Response.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND